

THE LAW OFFICE OF

**ELISA HYMAN, P.C.****USDC SDNY****DOCUMENT****ELECTRONICALLY FILED****DOC #:** \_\_\_\_\_**DATE FILED:** 2/22/2021

February 22, 2021

**Via ECF**

Hon. Robert W. Lehrburger, United States Magistrate Judge  
 Southern District of New York  
 500 Pearl St.  
 New York, NY 10007

Re: *V.B., et al. v. NYC Dep't of Educ., et al.*, No. 19-cv-11226 (JMF)

Dear Judge Lehrburger:

I represent the Plaintiffs in the above-referenced case and am writing on behalf of both parties to provide an update on the status of settlement. Additionally, the parties respectfully request a sixty-day stay of discovery.

As previously reported, Plaintiff V.B. is the parent of A.B., a 21-year-old young man with autism. Plaintiffs' complaint against the New York City Department of Education ("DOE"), Chancellor Richard Carranza and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") raises a number of individual and systemic claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, the Due Process Clause of the 14th Amendment of the U.S. Constitution, 42 U.S.C. § 1983, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), the New York State Constitution, and New York State Education Law concerning Plaintiff A.B.'s education over several school years, beginning with the 2013-2014 school year through the 2019-2020 school year. Plaintiffs allege, *inter alia*, that Defendants failed to implement orders of administrative hearing officers during this time frame and, as a result, Plaintiffs are owed substantial compensatory education and services, as well as attorneys' fees.

Since the last update to the court in December, the parties have made progress towards settlement and hope to resolve this matter within the next sixty days.

Your Honor previously granted the parties' request for an extension of time to complete discovery. Docket Entry 50. Currently, fact discovery is set to close March 30, 2021 pursuant to the extension of the CMP. *Id.* The parties respectfully request a stay of discovery for sixty days in the hopes that the matter can be resolved without engaging in unnecessary discovery.

Thank you for Your Honor's attention to this matter.

Respectfully Submitted,

*Erin O'Connor*


Erin O'Connor, Of Counsel  
The Law Office of Elisa Hyman, P.C.  
Counsel for the Plaintiffs

cc: Lana Koroleva, Counsel for Defendants

The fact discovery deadline is extended 60 days to May 30, 2021. All other deadlines extended 60 days as well. No further extensions absent compelling circumstances.

SO ORDERED:

2/22/2021

  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE